

FILED CLERK, U.S. DISTRICT COURT
2/11/2020
CENTRAL DISTRICT OF CALIFORNIA
BY: <u>CW</u> DEPUTY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

THE BOARDS OF TRUSTEES OF  
THE SOUTHERN CALIFORNIA  
FLOOR COVERING PENSION  
TRUST FUND, etc.,

Plaintiffs,

v.

EZRA SAMPSON ORTEGA, aka  
EZRA S. ORTEGA, aka EZRA  
ORTEGA individually and doing  
business as THE GENERAL  
FLOOR PREP & INSTALLATION  
COMPANY, aka THE GENERAL  
FLOOR PREP & INSTALLATION  
CO., a partnership, etc., et al.,

Defendants.

CASE NO. 2:19-cv-00668-JAK-AFM

**JUDGMENT**

1 On April 15, 2019, Plaintiffs<sup>1</sup> filed a Motion for Default Judgment (the  
2 “Motion”) (Dkt. 28)) against Defendants Ezra Sampson Ortega, Annette Ortega;  
3 The General Floor Prep and Installation Co.; General Prep and Installation, Inc.;  
4 and General Floor Prep and Installation (collectively, “Defendants”). On November  
5 7, 2019, an Order re Plaintiffs’ Motion for Default Judgment (the “Order”) issued  
6 that required Defendants to do all of the following within 14 days of service of the  
7 Order:

8  
9 Make available to the Plaintiffs all of the books and records of  
10 Defendants required to determine the appropriate contributions to the  
11 Plaintiffs. This includes, but is not limited to: payroll records, time  
12 cards or time books, individual employee compensation records, and  
13 payroll journals; cash disbursement records, non-payroll cash  
14 disbursements, cash disbursement journals, canceled checks, check  
15 stubs, and detailed back-ups for cash disbursements, i.e., payments to  
16 sub-contractors; Quarterly State Tax Returns; monthly employer  
17 reports to other Trusts; general ledgers; Federal W-2 Forms, 1099  
18 Forms and 1096 Forms; and such other records as may be necessary in  
19 the opinion of the Plaintiffs’ auditor for the period of July 1, 2017  
20 through July 31, 2018.

21 Afford Plaintiffs and their authorized representatives reasonably  
22 sufficient time to examine these materials without interference and at  
23

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24  
25 <sup>1</sup> “Plaintiffs” refers to the following: The Board of Trustees of the Southern California Floor  
26 Covering Pension Trust Fund; The Board of Trustees of the Southern California Floor Covering  
27 Health and Welfare Trust Fund; The Board of Trustees of the Southern California Floor  
28 Covering Apprenticeship and Training Trust Fund; The Board of Trustees of the Southern  
California Floor Covering Vacation and Holiday Trust Fund; The Board of Trustees of the  
Southern California Floor Covering Contract Administration Trust Fund; The Board of Trustees  
of the Painters and Allied Trades Labor Management Cooperation Fund; and Resilient Floor and  
Decorative Covering Local Union No. 1247.

1 such time and at such place as shall be mutually convenient to the  
2 authorized representatives of the Plaintiffs.

3  
4 The Order also provided that, in the event that “Defendants cannot produce  
5 all the records that the Plaintiffs require to conduct their examination,” then  
6 “Defendants shall participate in record reconstruction . . . .” The terms of that  
7 portion of the Order are as follows:

8  
9 Within 30 days Defendants shall apply to the Federal and State  
10 agencies with which Defendants previously filed periodic reports  
11 pertaining to employees for copies of such reports filed by them for all  
12 the periods for which Defendants cannot produce records to the  
13 Plaintiffs; and

14 Subsequently make available to Plaintiffs all such copies of  
15 Defendants’ periodic reports to the Federal and State agencies within  
16 fourteen (14) days of receipt, under the conditions set forth in 1(B)  
17 above.

18 On January 31, 2020, Plaintiffs filed “Plaintiff’s Status Report” (the “Status  
19 Report” requesting that the Court enter default judgment. The Status Report states  
20 that Defendants have not: (i) complied with the request for audit; (ii) made  
21 available to the Plaintiffs all of the books and records of Defendants required to  
22 determine the appropriate contributions to the Plaintiffs for the period of July 1,  
23 2017 through July 31, 2018; or (iii) paid the principal sum of \$23,029.99,  
24 consisting of contributions, liquidated damages and pre-judgment interest for the  
25 period of July 2017 through December 2017 and February through November 2018.

26 Based on a review of the Status Report, sufficient good cause exists for the  
27 requested relief. It is hereby ORDERED, ADJUGED AND DECREED as follows:

- 28 1. Judgment is entered in favor of Plaintiffs, The Boards of Trustees of the  
Southern California Floor Covering Pension Trust Fund, Southern California

1 Floor Covering Health and Welfare Trust Fund, Southern California Floor  
2 Covering Apprenticeship and Training Trust Fund, Southern California Floor  
3 Covering Vacation and Holiday Trust Fund, Southern California Floor  
4 Covering Contract Administration Trust Fund, and The Painters and Allied  
5 Trades Labor Management Cooperation Fund, against Defendants Ezra  
6 Sampson Ortega, aka Ezra S. Ortega, aka Ezra Ortega and Annette Ortega,  
7 each individually and doing business as The General Floor Prep &  
8 Installation Company aka The General Floor Prep & Installation Co., a  
9 partnership; and The General Floor Prep & Installation Company, aka The  
10 General Floor Prep & Installation Co., a partnership, as follows:

- 11 A. For the principal sum of \$23,029.99, consisting of contributions,  
12 liquidated damages and pre-judgment interest for the period of July  
13 2017 through December 2017 and February through November 2018;
- 14 B. For attorney's fees in the amount of \$8,950.00; and
- 15 C. For costs in the sum of \$1,067.00.

16 2. Within thirty (30) days of the issuance of this order, Defendants shall do the  
17 following:

- 18 A. Make available to the Plaintiffs all of the books and records of  
19 Defendants required to determine the appropriate contributions to the  
20 Plaintiffs, including, but not limited to: payroll records, including time  
21 cards or time books, individual employee compensation records, and  
22 payroll journals; cash disbursement records, including non-payroll  
23 cash disbursements, cash disbursement journals, canceled checks,  
24 check stubs, and detailed back-ups for cash disbursements (i.e.,  
25 payments to sub-contractors); Quarterly State Tax Returns; monthly  
26 employer reports to other Trusts; general ledgers; Federal W-2 Forms,  
27 1099 Forms and 1096 Forms, and; such other records as may be  
28

1 necessary in the opinion of the Plaintiffs' auditor for the period of July  
2 1, 2017 through July 31, 2018.

3 B. Afford Plaintiffs and their authorized representatives both ample time  
4 and opportunity to examine Defendants' materials as specified above  
5 without harassment and at such time and at such place as shall be  
6 mutually convenient to the authorized representatives of the Plaintiffs.

7 3. In the event Defendants cannot produce all the records that the Plaintiffs  
8 require to conduct their examination, Defendants shall participate in record  
9 reconstruction under the following terms and conditions:

10 A. Within 30 days Defendants shall apply to the Federal and State  
11 agencies with which Defendants previously filed periodic reports  
12 pertaining to employees for copies of such reports filed by them for all  
13 the periods for which Defendants cannot produce records to the  
14 Plaintiffs;

15 B. Produce to Plaintiffs all such copies of Defendants' periodic reports to  
16 the Federal and State agencies under the conditions set forth in 1(B),  
17 above, within fourteen (14) days of receipt.

18  
19 IT IS SO ORDERED.

20  
21 Dated: February 11, 2020

22 

23 John A. Kronstadt  
24 United States District Judge  
25  
26  
27  
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